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SUBJECT: NIGERIA'S LEGISLATURES VICTIM TO ONE PARTY STATES
AND PATRONAGE CULTURE

REF: LAGOS 435

1. Summary. While a little progress has been made since 1999, independence of the legislative bodies remains a challenge. A survey of five state Houses of Assembly in Southern Nigeria revealed legislatures dominated by their respective governors and further hamstrung by strong party discipline. The 2003 elections brought all but one of the 17 state assemblies in the South under control of the Peoples Democratic Party. The Lagos House of Assembly remains in the hands of the Alliance for Democracy party. Lack of a meaningful opposition is also accompanied by lack of adequate staff representation. Certain elected officials and small numbers of staff have benefited from training, yet legislative drafting and fiscal management remain areas of limited expertise. For federalism to work effectively in Nigeria, State assemblies have a large role to play in the development of a democratic, representative political culture and in the allocation of state resources. Right now, no southern legislature is fulfilling that role adequately. End Summary.

One Party Legislatures Inhibit Debate and Executive Oversight

2. This message provides analyses of State legislatures in the three geo-political zones of Southern Nigeria. We looked at Lagos and Ogun states in the Southwest, Enugu state in the Southeast, and Rivers and Edo states in the South-South zone. Southern Nigeria is almost completely dominated by the People's Democratic Party (PDP). Sixteen of the 17 Houses of Assembly in the South are controlled by the PDP. In total, there are 408 PDP members and 16 members from five other parties. The governors of these 16 states are PDP as well. Lagos State is the sole opposition state in the south. Of the 40 members in the Lagos State House of Assembly, 39 are with the Alliance for Democracy Party, as is Lagos State Governor Bola Tinubu. Six state legislatures have no opposition party representation. The pressure to tow the party line and lack of rival perspectives makes substantive debate over legislative issues almost nonexistent. For example, the Speaker of the Rivers State House of Assembly, Chibuike Rotimi Amaechi told us the atmosphere this legislative term, where all 32 members are from PDP, is less dynamic than his first term, when the house had 10 opposition members.

3. Representatives feel tremendous pressure to be on the winning team. A Rivers State House of Assembly member told us despite being elected on an All Nigeria People's Party (ANPP) ticket, he decamped to the PDP because of what Rivers Governor Odili was "doing for the people." One of his more candid colleagues informed us the defection was for political survival -- the member had to switch if he wanted to keep his committee job. It is important to even choose the right faction within the PDP. In Edo state, where all 24 members of the Assembly are PDP, rivalries have fractured the party to such an extent they meet in different party secretariats. Yet on the House floor, the internal feud is swept under the rug to preserve a facade of cohesion. A second term member from Edo told us he feels constrained by the lack of opposition, explaining in his first term, he could share ideas not conforming wholly to the PDP agenda and have a colleague from the opposition raise the issues in debate -- thus protecting the representative from PDP reprisals while ensuring input for important amendments. The Edo state official believed the process, and the final legislative products suffer from silencing dissent through one-party pressure.

Legislatures Have Overly - Symbiotic Relationship with State Governors

4. In most states, the governor is required to authorize projects. Thus, state representatives are beholden to the

governor to make things happen. All members publicly described their relationships with their governor in positive terms: ordial, symbiotic, harmonious. Nothing less would be political suicide. Similarly, states are beholden to the federal executive for smooth operations. Without federal blessing, the state as a whole may be stymied. Lagos State is a prime example of the price of minority status. The federal government is still refusing to pay the state over \$135 million dollars in local government allocations, despite a supreme court ruling that it release the funds. Observers attribute the president's refusal to turn over the money partly to his animus for Lagos Governor Tinubu, and partly to his desire to thwart the opposition AD party's plans to spread its influence across 57 instead of 20 local governments (reftel). In a rare show of independence from the ruling PDP, all 36 State Houses of Assembly in the country have backed Lagos' position.

15. Constitutionally, there are no limits for House members, but the conventional wisdom appears to be a maximum of two terms. Members told us party leaders and influential persons pressure incumbents to leave office to let the next person "have a turn." The results from the 2003 elections showed a turnover of more than 65%, signifying an average one term for most state legislatures -- a rate similar to that of the National Assembly. Elective offices are highly sought as a perch from which to achieve personal financial gain and to dispense favors to others. Within each Local Government Area, communities campaign for their man (or in rare cases, woman) in order to reap returns on their investments through access, contracts, and direct cash payments. Of course, all members interviewed stated they became involved in politics to serve their communities. However, they acknowledged they appreciate the job stability and benefits. This stability only lasts as long as the member is in favor with the ruling regime. With one misstep, a representative may be removed from key committees, sidelined within the party, or even find his or her election overturned. With four or a maximum of eight years as the longest time horizon, some representatives concentrate their efforts on personal profit.

Culture of Corruption and Patronage Limit Legislatures

16. In tacit acknowledgment of pressures leading to corruption or improper use of funds, officials described difficulties "delivering" for those who helped get them elected. Constituents, they say, do not appreciate how long it takes to implement a project, particularly major infrastructure improvements in power supply, water, and roads. One representative told us, "The people believe we are in the state capital eating the government cake. The constituents only want cash. When we go home, they all have their hands out to be paid." Thus, the pressured officials do what they feel necessary or customary, even when it may result in fund misappropriation. This pressure may also explain why legislators limit outreach activities and in many cases, totally avoid their constituents. Most legislators require skills to help them conduct constituency outreach activities in this type of pressured environment.

17. Many House members claimed they use their own salaries and savings to help satisfy constituent demands. (Note: The federal government establishes pay standards for representatives with a sliding salary scale between N180,000 to N200,000 per month - approximately USD 1500). Yet, the real money comes from the allocation of funds for constituent offices, projects, and the other benefits accruing from elected office. "If the governor passes over your community that year in the budget, then you are in trouble," a member allowed. Members said they host "enlightenment" programs to explain the role of three arms of government and in particular, the legislative function, yet constituents remain dissatisfied. Poverty is the driving force and people tell members, "We do not need a bill, we need bread to eat."

18. To address this disconnect, some states have introduced budget allocations for "constituency projects." In Ogun, the 2005 budget included funds giving each member a discretionary budget of N5 million (approximately USD 38,500). In oil-rich Rivers State where there is more slush to go around, a constituency fund of N30 million (approximately USD 231,000) per member was created. The officials in Rivers had various plans for their money including power, water, school, and community learning center projects. These financial resources are deemed a necessity to keep supporters happy and maintain their eligibility for a second (or third) term in the House, a move to the National Assembly or a shot at the Governorship. The next logical steps in their political trajectories. With these initiatives in their infancy, it remains to be

seen how effective the local government representatives will be in completing their projects specially those that might take longer to bring to fruition.

19. Each state organizes its legislative calendar differently, but most hold sessions two or three times weekly, leaving the other days free for committee work and constituent relations. Members report every weekend spent at home in their Local Government Areas. However, civil society representatives say they never see their elected officials. "When the members say they go to their constituencies every week, they are lying," one civil society representative berated. The House members acknowledge severe levels of distrust and a cynicism in their communities. These sentiments mark the chasm between constituent expectations and what the elected officials offer.

Legislatures Weak in Initiating Bills, Public Accountability Is the Casualty

10. In most state Houses we canvassed, members acknowledged that legislative bills are primarily spearheaded by their respective governor's offices or that they are replicas of pending federal legislation. For example, in Ogun state, the Speaker estimated 90% of bills originated from the executive arm. Members claim inexperience in legislative drafting and lack of access to adequate resources as the main reasons for the paucity of self-generated legislation. Without legal libraries to research sample legislation, many members say they rely on Federal laws to adapt at the state level. Very few representatives use the Internet and most have not utilized technology to their advantage in information collection and analysis from other sources.

11. There have been few bills emanating from civil society. Those currently on the calendar in several states come from NGOs focused on women's rights. These organizations have been successful in getting bills passed in several states ensuring widow's rights and banning female genital mutilation, for example. Issue-based lobbying by interest groups is still in its infancy. Civil society representatives tell us they are locked out of the legislative process and have not been able to effectively influence legislative proceedings.

12. This over-reliance on the state executive branches and National Assembly (which in turn is dominated by executive-inspired legislation) means less interface between state legislatures and the public on legislative priorities. In this process, public accountability and responsiveness may be early casualties.

13. The prognosis is not all bad. In Rivers State, the Speaker claimed only 10-20% of their bills originate in the governor's office. In Lagos state, there has also been a marked increase in the number of private member bills over the last few years. Lagos, more than any other state, benefits from a higher level of staff capacity, where the state has drawn educated and well-qualified individuals into government. The achievements by Rivers and Lagos states also are partially attributable to participation in the USAID-funded State Legislative Strengthening Project.

Training Promotes Innovations in Constituent Outreach

14. In states where members have the opportunity for training abroad, they have returned home with initiatives to promote civic involvement. One such innovation is in Ogun State. The pioneering program, "Mr. Governor, Explain This", is a quarterly event where the governor is invited to field questions posed by representatives on the House floor. Civil society representatives attend this session which is broadcast on state television and radio to ensure a wide audience.

Where are the Women?

15. Of the 465 members in the 17 southern states, 20 are women - or a representation of less than five percent. The four women in Enugu State House of Assembly represent the largest female representation. Six states have no women and five states have just one woman. In Rivers State, the lone woman was elected from a Local Government Area where only women were allowed to compete in the election. This "affirmative action" was devised in 2003 after the 1999 elections yielded no women in the state house. The Ogun

State governor claims his state is "most friendly to women" and although there is only one female in the Ogun State House of Assembly, she is the Speaker of the House.

Comment

16. The Southern State Houses are one-party dominated, work under the shadow of their governor and do not have enough women members. The Houses also lacks the staff, resources, and technical expertise to fulfill their legislative functions and to truly represent the substantive priorities of their constituents. They have enjoyed very modest success educating their members and constituents about the important role of the legislature in Nigeria's democratic evolution. If they operated better, the legislative could be an effective watchdog, curtailing executive abuse and malfeasance. Too often, the assemblymen are willing accomplices of the state executive. For democracy to mature, lawmaking institutions must exercise their oversight functions. Civic education and involvement become critical in this process.

17. This cable has been cleared by USAID.
BROWNE